

RESOLUTION NO. 75355

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A RULE 20A UNDERGROUND UTILITY DISTRICT ALONG LINCOLN AVENUE FROM WEST SAN CARLOS STREET TO APPROXIMATELY 160 FEET NORTHWEST OF COE AVENUE, AUZERAIS AVENUE APPROXIMATELY 190 FEET WEST OF LINCOLN AVENUE, NORTHRUP STREET FROM LINCOLN AVENUE TO HIGHWAY 280, PARKMOOR AVENUE FROM LINCOLN AVENUE TO APPROXIMATELY 280 FEET WEST OF NORTHRUP STREET, AND PAULA STREET APPROXIMATELY 210 FEET WEST OF LINCOLN AVENUE ON JUNE 8, 2010 AT 1:30 P.M.

WHEREAS, Chapter 15.24 of the San José Municipal Code sets forth the procedure for establishing an underground utility district; and

WHEREAS, the City Council may, from time to time, consult with affected utilities and call public hearings to ascertain whether an underground utility district should be established in a certain area of the City; and

WHEREAS, the City Council proposes that such an underground utility district, to be designated "LINCOLN AVENUE UNDERGROUND UTILITY DISTRICT", hereinafter referred to as the Proposed District, be formed within that area of the City described and shown on EXHIBIT A-1 and EXHIBIT A-2 attached hereto, made a part hereof, and incorporated herein by reference; and

WHEREAS, an underground utility district may be formed if, after a public hearing, the City Council finds and determines that the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the following reasons that existing poles and overhead wires within a designated area of the City be removed therefrom and be thereafter prohibited and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone,

telegraph, communication, television or other similar or associated service be installed underground namely that:

Such removal of existing poles and overhead wires and placement underground will eliminate an unusually heavy concentration of poles and overhead wires within the Proposed District;

The public streets or rights-of-way within the Proposed District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic; and

The public streets or rights-of-way within the Proposed District adjoin or pass through a civic area or public recreation area or an area of unusual scenic interest to the general public; and

WHEREAS, the City Council shall, by ordinance, declare such designated area an underground utility district and order and require such removal, prohibition and underground installation therein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

NOTICE IS HEREBY GIVEN that a PUBLIC HEARING will be held by the Council of the City of San José on June 8, 2010, at 1:30 p.m. in the Council Chambers of the City of San José, City Hall, 200 E. Santa Clara Street, at the corner of Fourth and Santa Clara Streets, San José, California to ascertain whether the public necessity, health, safety, or welfare require and it is in the general public interest for one or more of the reasons set in San José Municipal Code Section 15.24.060 that existing poles and overhead wires within the Proposed District be removed therefrom and be thereafter prohibited, and that wires and associated facilities for transmitting, conducting, conveying, distributing or supplying electricity for the purpose of providing light, heat, power, telephone, telegraph, communication, television or other similar or associated service be installed underground.

The Director of Public Works shall give written notice of the time and place of such hearing at least ten (10) days prior to the date of such hearing to all persons who own any property within the Proposed District as shown on the last equalized assessment roll and to all utilities who own, control, or possess poles or overhead wires within the Proposed District. Each such notice shall be given by the Director of Public Works by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the owner at the address as shown on the last equalized assessment roll, or if no address is shown, addressed to the owner at the address of the property.

ADOPTED this 27th day of April, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

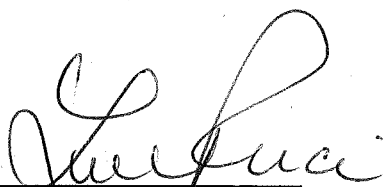
ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:

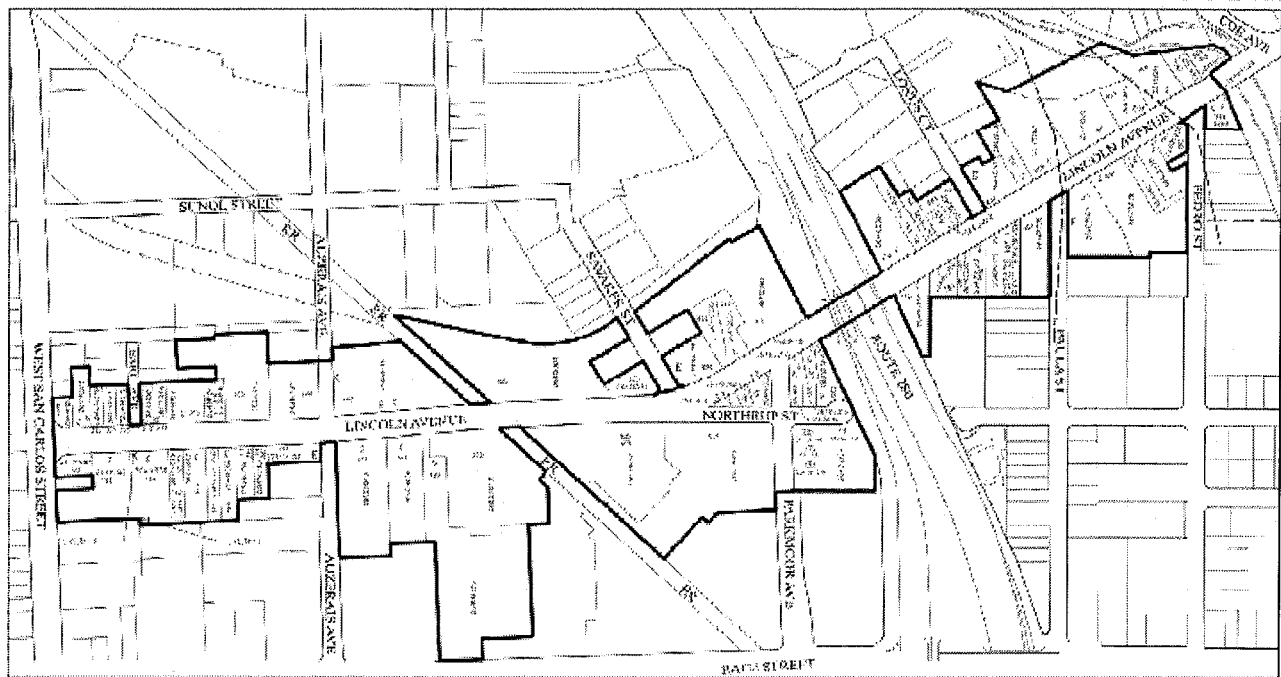


LEE PRICE, MMC
City Clerk

MAO:JTC:SK:RV

Attachments:

Exhibit A-1, Map
Exhibit A-2, Legal Description
LINCOLN AVENUE UUD Resolution



NOT TO SCALE

CITY OF SAN JOSE LINCOLN AVE UNDERGROUND UTILITY DISTRICT

NOTES
EXCLUDES POLES AND/OR OVERHEAD WIRES IDENTIFIED ON THIS MAP AS EXEMPT
FACILITIES SERVED OUTSIDE THE DISTRICT OR SERVING PARCELS
OUTSIDE THE DISTRICT AND ALL PRIVATE (NON UTILITY OWNED) POLES AND/OR
OVERHEAD WIRES

LEGEND

- TH. FOR EXEMPT TRANSMISSION LINE
- E - ELECTRICAL CONDUIT (42 or 48 inch dia)
- X - ELECTRICAL CONDUIT TO BE EXEMPTED
- S - BILLBOARD CONDUIT (42 inch dia)
- W - EX POWER POLE TO BE EXEMPTED
- X - EX POWER POLE TO BE EXEMPTED

EXHIBIT A-1

EXHIBIT A-2

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The maps delineating the boundaries of said district are attached hereto as Exhibit "A-1" and incorporated herein as if set forth in full.

Electric, communication, or similar or associated services shall be installed underground and the poles, overhead wires and associated overhead structures now existing within the area and properties described below, except as noted on the map for the purpose of this project, shall be removed.

The following properties (APN's as of February 23, 2010), along Lincoln Avenue from West San Carlos Street to approximately 160 feet northwest of Coe Avenue, Auzerais Avenue approximately 190 feet west of Lincoln Avenue, Northrup Street from Lincoln Avenue to Highway 280, Parkmoor Avenue from Lincoln Avenue to approximately 280 feet west of Northrup Street, and Paula Street approximately 210 feet west of Lincoln Avenue, will be included within the Underground Utility District:

264-04-024	264-06-094	264-10-069	264-14-071
264-05-015	264-09-020	264-11-002	264-14-072
264-05-016	264-09-042	264-11-051	264-14-073
264-05-017	264-09-043	264-11-052	264-14-077
264-05-018	264-09-051	264-11-064	264-14-078
264-05-026	264-09-052	264-11-065	264-14-084
264-05-027	264-09-056	264-11-080	264-14-087
264-05-028	264-10-001	264-11-083	264-14-093
264-05-029	264-10-002	264-11-087	264-14-100
264-05-030	264-10-003	264-12-021	264-14-102
264-05-031	264-10-031	264-12-033	264-14-109
264-05-050	264-10-032	264-12-034	264-14-123
264-05-058	264-10-033	264-14-058	264-14-124
264-05-059	264-10-034	264-14-059	264-14-125
264-05-070	264-10-039	264-14-060	264-14-126
264-05-071	264-10-040	264-14-061	
264-05-078	264-10-060	264-14-062	
264-05-079	264-10-065	264-14-070	